

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

Kathy Reaves,)	
)	
Plaintiff,)	
)	
vs.)	Civil Action No.:4:07-01183-TLW-TER
)	
Robert A. Covington, Jacquelyn C. Smith,)	
Sturdivant Reed, Mary Beatty Covington,)	
County of Fulton State Adult Probation,)	
Louisiana Department of Adult Probation,)	
and North Carolina Department of Insurance,)	
)	
Defendants.)	
)	

ORDER

Plaintiff, Kathy Reaves, (“plaintiff”) brought this civil action, *pro se*, under 42 U.S.C. § 1915, on April 30, 2007. (Doc. #1).

This matter now comes before this Court for review of the two Report and Recommendations (“the Report”) filed by United States Magistrate Judge Thomas E. Rogers, III, to whom this case had previously been assigned. (Doc. #16 and #58). In the first Report, Magistrate Judge Rogers recommends that the District Court dismiss the complaint as to defendants County of Fulton State Adult Probation, Louisiana Department of Corrections, Louisiana Department of Adult Probation and Parole, and North Carolina Department of Insurance *without prejudice* and without issuance and service of process on these defendants. (Doc. #16). The plaintiff filed objections to the report. (Doc. #20). However, in her “objections” the plaintiff appears to agree with the Report. (Doc. #20). In the second Report, the Magistrate Judge recommends that plaintiff’s motion for default judgment (Doc. #23), motion for hearing (Doc. #48), and motion for an order of criminal conspiracy, fraud,

and false statements against defendants Mary B. Covington and Jacquelyn C. Smith (Doc. #34) be denied. (Doc. #58). The plaintiff filed objections to the report. (Doc. #63). However, in her “objections” the plaintiff essentially consents to the Report filed by the magistrate judge.¹

In conducting this review, the Court applies the following standard:

The magistrate judge makes only a recommendation to the Court, to which any party may file written objections...The Court is not bound by the recommendation of the magistrate judge but, instead, retains responsibility for the final determination. The Court is required to make a *de novo* determination of those portions of the report or specified findings or recommendation as to which an objection is made. However, the Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the Report and Recommendation to which no objections are addressed. While the level of scrutiny entailed by the Court's review of the Report thus depends on whether or not objections have been filed, in either case, the Court is free, after review, to accept, reject, or modify any of the magistrate judge's findings or recommendations.

Wallace v. Housing Auth. of the City of Columbia, 791 F. Supp. 137, 138 (D.S.C. 1992)

(citations omitted).

In light of the standard set forth in Wallace, the Court has reviewed the Report and the objections. After careful review of the two Reports and objections thereto, the Court **ACCEPTS** the Reports. (Doc. #16 and #58). Therefore, for the reasons articulated by the Magistrate Judge, the plaintiff's complaint as to defendants County of Fulton State Adult Probation, Louisiana Department of Corrections, Louisiana Department of Adult Probation and Parole, and North Carolina Department of Insurance is **DISMISSED** *without prejudice* and without issuance and service of process. (Doc. #1).² Additionally, and for the reasons articulated by the Magistrate Judge in the

¹In her objections the plaintiff did assert that she submitted the correct address of the defendant Reed. However, the record reflects that the plaintiff listed the address of County of Fulton State Adult Probation and not the defendant's address. The Court has considered this objection and finds that the objection is without merit.

²Process shall issue for the remaining defendants.

second Report, the plaintiff's motion for default judgment (Doc. #23), motion for hearing (Doc. #48), and motion for an order of criminal conspiracy, fraud, and false statements against defendants Mary B. Covington and Jacquelyn C. Smith (Doc. #34) are **DENIED**. (Doc. #58).

IT IS SO ORDERED.

s/Terry L. Wooten

Terry L. Wooten
United States District Judge

March 10, 2008

Florence, South Carolina